

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Madeleine Ayer	Team: Squad #13	CCRB Case #: 201910750	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/13/2019 3:00 PM	Location of Incident: 47th Precinct stationhouse	Precinct: 47	18 Mo. SOL 6/13/2021	EO SOL 1/28/2022	
Date/Time CV Reported Mon, 12/16/2019 2:53 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/16/2019 2:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Collazo	21266	962988	047 PCT
2. POF Alejandrin Castillo	13913	928632	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Alejandrin Castillo	Abuse: Police Officer Alejandrin Castillo refused to provide her name to § 87(2)(b)	
B.POF Alejandrin Castillo	Abuse: Police Officer Alejandrin Castillo refused to provide her shield number to § 87(2)(b)	
C.POF Alejandrin Castillo	Abuse: Police Officer Alejandrin Castillo failed to provide § 87(2)(b) with a business card.	
D.POM Daniel Collazo	Discourtesy: Police Officer Daniel Collazo spoke discourteously to § 87(2)(b)	
E.POM Daniel Collazo	Force: Police Officer Daniel Collazo used physical force against § 87(2)(b)	
F.POM Daniel Collazo	Force: Police Officer Daniel Collazo used physical force against § 87(2)(b)	
G.POM Daniel Collazo	Abuse: Police Officer Daniel Collazo threatened to arrest § 87(2)(b)	

Case Summary

On December 16, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On December 13, 2019, at approximately 3 p.m., § 87(2)(b) went to the 47th Precinct stationhouse, located at 4111 Laconia Avenue in the Bronx, to retrieve an accident report. § 87(2)(b) asked Police Officer Alejandrin Castillo of the 47th Precinct for her name, shield number, and business card, which she refused to provide (**Allegation A – Abuse of Authority: Refusal to Provide Name, § 87(2)(g)**; **Allegation B – Abuse of Authority: Refusal to Provide Shield Number, § 87(2)(g)**; **Allegation C – Abuse of Authority: Refusal to Provide RTKA Card, § 87(2)(g)**). Police Officer Daniel Collazo of the 47th Precinct spoke discourteously to § 87(2)(b) (**Allegation D – Discourtesy: Word, § 87(2)(g)**), used physical force against § 87(2)(b) twice (**Allegation E-F – Force: Physical Force, § 87(2)(g)**), and threatened § 87(2)(b) with arrest (**Allegation G – Abuse of Authority: Threat of Arrest, § 87(2)(g)**). No arrest or summons resulted from this incident.

A stationhouse surveillance camera captured part of this incident. The footage is attached to IA #24 (**Board Review 01**) and summarized in IA #25 (**Board Review 02**).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Alejandrin Castillo refused to provide her name to § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Alejandrin Castillo refused to provide her shield number to § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Alejandrin Castillo failed to provide § 87(2)(b) with a business card.

Allegation D – Discourtesy: Police Officer Daniel Collazo spoke discourteously to § 87(2)(b).

§ 87(2)(b) testified that he went to the 47th Precinct stationhouse to retrieve an accident report about a recent car accident. He had unsuccessfully tried to obtain the accident report there at least three times before. When § 87(2)(b) arrived this time, he spoke with PO Castillo, who was sitting at a desk. PO Castillo told § 87(2)(b) that there was no record of his accident report in the NYPD system. § 87(2)(b) asked to speak with a specific sergeant, who he had been referred to the previous time he tried to obtain his accident report, but PO Castillo said that sergeant was not there. § 87(2)(b) gave PO Castillo the names of two other officers he had previously dealt with when trying to obtain his accident report. PO Castillo told him that the Precinct had been having trouble with those officers, and that they were on vacation and had not finished the report. § 87(2)(b) asked PO Castillo for her name, shield number, and business card. PO Castillo blankly stared at § 87(2)(b) and did not provide the requested information. § 87(2)(b) never obtained PO Castillo's name or shield number. After speaking with PO Castillo for two or three minutes, PO Collazo approached § 87(2)(b) out of nowhere and said, "Ask your fucking question, or get the fuck out." § 87(2)(b) responded, "You're not going to intimidate me. I'm going to count to ten and ask you my question." § 87(2)(b) counted up to five when PO Collazo said, "I'm going to throw you out of the fucking precinct" (**Board Review 03, Board Review 04**).

PO Castillo testified that she was working as the telephone/switchboard operator when § 87(2)(b) approached her to inquire about an accident report, which he said he had unsuccessfully tried to obtain previously. When PO Castillo instructed § 87(2)(b) to come back when the officer who had prepared his accident report was there, § 87(2)(b) became upset and aggressive. He began waving his arms in front of him and yelling things like, "Fuck you." PO Castillo did not remember if § 87(2)(b) asked for her name or shield number. However, she testified that if he

had, she would have verbally provided him with the requested information. § 87(2)(b) never asked PO Castillo for her business card and PO Castillo never refused to provide one to him. PO Castillo had been speaking with § 87(2)(b) for a few minutes when PO Collazo noticed his aggressive behavior and intervened. PO Collazo told § 87(2)(b) something along the lines of how he had been very rude to PO Castillo and that he needed to calm down, or else he would have to leave or be escorted out. PO Castillo did not hear PO Collazo use profanity with § 87(2)(b) (Board Review 05).

PO Collazo testified that while he was on his way to roll call, he observed § 87(2)(b) arguing loudly with PO Castillo. He did not know if § 87(2)(b) asked PO Castillo for her name, shield number, or business card, or if she refused to provide her name, shield number, or business card to § 87(2)(b). As PO Collazo watched § 87(2)(b) argue with PO Castillo, § 87(2)(b) noticed PO Collazo and asked to speak to him. § 87(2)(b) told PO Collazo that his accident report was not ready. PO Collazo responded, “Okay, sir, if [PO Castillo] said it’s not ready, it’s not ready, you’ll have to come back. Either you can come back to this Precinct or any New York City precinct, or you can go online to nypdonline.org to retrieve the report.” § 87(2)(b) raising his voice, said things to the effect of the situation being ridiculous. PO Collazo said there was nothing else to say and that § 87(2)(b) could utilize one of the options he just said. § 87(2)(b) unhappy and agitated, began repeating what he had said before. PO Collazo felt that § 87(2)(b) was creating a scene. He told § 87(2)(b) “Okay, sir, now it’s time to leave. You have no more legitimate business being here.” § 87(2)(b) did not move. PO Collazo ordered him to leave a second time and stepped closer to where § 87(2)(b) was standing. § 87(2)(b) shut his eyes and counted to ten, like he was trying to calm himself. PO Collazo denied making the alleged profane statements toward § 87(2)(b) (Board Review 06).

Stationhouse surveillance footage did not capture this aspect of the incident.

§ 87(2)(g)
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Allegation E – Force: Police Officer Daniel Collazo used physical force against § 87(2)(b).

Allegation F – Force: Police Officer Daniel Collazo used physical force against § 87(2)(b).

Allegation G – Abuse of Authority: Police Officer Daniel Collazo threatened to arrest

§ 87(2)(b)
§ 87(2)(b) testified that he remained calm and never raised his voice, used profanity, or made any body movements toward PO Castillo or PO Collazo. After PO Collazo said, “Ask your fucking question, or get the fuck out,” and, “I’m going to throw you out of the fucking precinct,” and after § 87(2)(b) replied that PO Collazo could not do so, PO Collazo “nudged” § 87(2)(b)’s chest with two hands, as if he were trying to prompt § 87(2)(b) to move on his own, but § 87(2)(b) refused. PO Collazo placed two hands on § 87(2)(b)’s chest and pushed him through the span of the lobby and out of the stationhouse doors. § 87(2)(b) tried to keep his legs firmly planted on the ground so he would not fall, but he made no other movements to resist PO Collazo. Once § 87(2)(b) was through the doors, PO Collazo let go of him. § 87(2)(b) reentered the lobby and said, “You can’t do that, I’m just asking a question.” PO Collazo said, “You’re going to go to jail; get out.” PO Collazo placed two hands under the sides of § 87(2)(b)’s neck, right above his shoulders, and pushed him out of the stationhouse again. § 87(2)(b) again tried to keep his legs firmly planted on the ground so he would not fall, but he made no other movements to resist. Once

§ 87(2)(b) was outside the stationhouse, PO Collazo said, “Don’t come back, you’re gonna go to jail.” § 87(2)(b) left without further incident.

PO Castillo testified that, as § 87(2)(b) was talking to PO Collazo, § 87(2)(b) became more aggressive, raised his arms out in front of him, and yelled. He did not voluntarily leave. PO Collazo did not say anything in return, but escorted him out of the stationhouse. PO Castillo did not remember if PO Collazo touched § 87(2)(b) or threatened him with arrest, though she said § 87(2)(b) could have been arrested for disorderly conduct.

PO Collazo testified that he advised § 87(2)(b) that if he did not leave, he would be arrested for trespassing. § 87(2)(b) still did not leave on his own, so PO Collazo physically escorted him out. After PO Collazo escorted § 87(2)(b) out of the stationhouse, § 87(2)(b) reappeared at the door. PO Collazo escorted him out of the stationhouse a second time.

At the 00:02 timestamp of the media player of the stationhouse surveillance footage, visible at the bottom of the screen, § 87(2)(b) walks inside the lobby and exits the view of the camera. § 87(2)(b) reappears at 09:48, when PO Collazo places one hand, and then both hands, on § 87(2)(b) s back and forcefully guides § 87(2)(b) down the lobby stairs, through the lobby, and to the stationhouse entrance, which has two sets of doors. As they reached one set of doors, PO Collazo takes one hand off § 87(2)(b) s back to open the door. PO Collazo leaves § 87(2)(b) in between the two sets of doors and returns to the lobby. At 09:56, PO Castillo appears. She stands in the lobby. § 87(2)(b) stands in the doorway for a few seconds before opening the first set of doors. He stands in the doorway with his phone in his hand and his legs crossed. With PO Castillo observing, PO Collazo quickly walks down the stairs and, at 10:08, places his left hand on § 87(2)(b) s chest, holds the door open with his right hand, places his right hand on § 87(2)(b) s chest, and pushes § 87(2)(b) backwards, through both sets of doors, until he is outside the stationhouse. PO Collazo reenters the stationhouse. § 87(2)(b) never loses his balance or falls to the ground, and he does not re-enter the stationhouse.

Force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. (NYPD Patrol Guide, Section 221.01). (**Board Review 07**).

A person is guilty of trespass when he remains unlawfully in a premise (N.Y.S. Penal Law, Section 140.05) (**Board Review 08**). A person remains unlawfully in a premise when he defies a lawful order not to remain, personally communicated to him by the owner of such premises or other authorized person (N.Y.S. Penal Law, Section 140.00) (**Board Review 09**).

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 10**).
- PO Castillo has been a member of the NYPD for 18 years. This is the first CCRB complaint to which she has been a subject.
- PO Collazo has been a member of the NYPD for three years. He has been a subject in six additional complaints, totaling seven allegations, none which were substantiated. ■■■

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 18, 2020, the New York City Office of the Comptroller had no records of a Notice of Claim being filed regarding this complaint (**Board Review 11**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 12**).

Squad No.: 13

Investigator:	<u>Madeleine Ayer</u> Signature	<u>Inv. Madeleine Ayer</u> Print Title & Name	<u>4-6-20</u> Date
Squad Leader:	<u>IM Laura Kastner</u> Signature	<u>IM Laura Kastner</u> Print Title & Name	<u>04/08/2020</u> Date